

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Sep 28 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States of America

v.

Dominic Deandre Gregory

Case No. 4:20-mj-71386-MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2020 in the county of Alameda and elsewhere in the
Northern District of California, the defendant(s) violated:*Code Section*

18 U.S.C. 1343

Offense Description

Wire Fraud

20 years imprisonment; \$250,000 fine; 3 years supervised release; \$100
special assessment

This criminal complaint is based on these facts:

See attached affidavit of Department of Homeland Security, United States Secret Service Jennifer Pritchard

☒ Continued on the attached sheet.Approved as to form /s/ Molly Priedeman
AUSA Molly Priedeman/s/ Jennifer Pritchard*Complainant's signature*Jennifer Pritchard*Printed name and title*

Sworn to before me and signed in my presence.

Date: ~~XXXXXX~~ 9/26/20
09/24/2020*Judge's signature*City and state: Oakland, CAHon. Donna Ryu, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Jennifer Pritchard, a Special Agent with the Department of Homeland Security, United States Secret Service, having been duly sworn, hereby declare the following:

INTRODUCTION

A. Purpose of Affidavit

1. This Affidavit is made in support of a Criminal Complaint against DOMINIC DEANDRE GREGORY (hereafter, "GREGORY") for violating Title 18, United States Code, Section 1343 (wire fraud). As set forth below, there is probable cause to believe that GREGORY knowingly participated in and devised a scheme or plan to defraud and a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or omitted facts.

2. Through my participation in the subject investigation, I learned that GREGORY started a fraudulent online campaign to raise money in Officer Patrick Underwood's name, a contract Federal Protective Service Officer who was killed while on duty in Oakland, California on May 29, 2020. The next day, on May 30, 2020, GREGORY initiated a fraudulent campaign in Officer Underwood's name. In the days that followed, GREGORY fraudulently posed as a family member of Officer Patrick Underwood in communications to donors and the campaign website. In furtherance of his scheme, GREGORY caused an interstate wire communication to be sent from a victim in California to a payment processor server in Florida.

B. Applicable Law

3. Section 1343 of Title 18 of the United States Code set forth the crime of Wire Fraud and provides a penalty of imprisonment of not more than twenty years and a fine up to \$250,000 or twice the gross gain or loss, three years supervised release, and a mandatory \$100 special assessment.

4. The elements of the Wire Fraud relevant to this application for a criminal complaint are: (1) the defendant knowingly participated in, devised, and/or intended to devise a scheme or plan to defraud, or a scheme or plan for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or omitted facts; (2) the statements made or facts omitted as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing a person to part with money or property; (3) the defendant acted with the intent to defraud, that is, the intent to deceive or cheat; (4) the defendant used, or caused to be used, an interstate or foreign wire communication to carry out or attempt to carry out an essential part of the scheme. *See* 18 U.S.C. Section 1343.

C. Sources of Information

5. The facts set forth in this affidavit are based upon my own investigation; my review of documents and computer records related to this investigation; information obtained from witnesses; review of public information, including information available on the Internet; review of records received via legal process; and my experience and background as a Special Agent of the USSS. Statements made by witnesses and other individuals referenced in this affidavit have been paraphrased. Because this affidavit is submitted for the limited purpose of establishing probable cause for the arrest of GREGORY, I have not included each and every fact known to me about this case. Further, my interpretations and explanations of the significance of certain events, records, and statements discussed herein may evolve or change as the investigation progresses and/or new information is discovered.

AGENT BACKGROUND

6. I am a Special Agent with the United States Secret Service (“USSS”) and have been so employed since October 2017. The USSS is the primary investigative agency charged

with safeguarding the payment and financial systems of the United States. I am currently assigned to the San Francisco Field Office as a member of the Cyber Fraud Task Force, Digital Evidence Forensic Lab. In my capacity, as a Special Agent, I attended and completed the twelve-week Criminal Investigator Training Program at the Federal Law Enforcement Training Center located in Glynco, Georgia, and an eighteen-week USSS Special Agent Training Course at the James J. Rowley Training Center located in Beltsville, Maryland. These programs included comprehensive, formalized instruction in, among other things: fraud investigations, counterfeit identification and detection, familiarization with United States fraud and counterfeit laws, financial investigations and money laundering, identification and seizure of assets, physical and electronic surveillance, and undercover operations.

7. I have also received specific instruction in the investigation of electronic crime, including but not limited to account takeover schemes, computer hacking, network intrusions, the use of the dark web and crypto-currencies, and computer forensics. Specifically, I attended and completed the six-week Basic Computer Evidence Recovery Training program at the Electronic Crimes and Technology Support Center, an Internal Revenue Service facility, in Woodbridge, Virginia.

8. During my time in federal law enforcement, I have participated in criminal investigations and conducted in depth forensic examinations on computers. This casework has involved the unlawful takeover of financial accounts, business email compromise schemes, network intrusions, counterfeit currency investigations and crimes relating to child exploitation.

9. Additionally, I was employed as the systems administrator at the High Intensity Drug Trafficking Area (“HIDTA”) office in Seattle, Washington from 2009 to 2017. I installed, maintained, and configured computer hardware and software including operating systems,

workstations, servers, and firewalls. I also designed and developed a Microsoft SQL Server database and user interface.

10. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code. As a federal agent, affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

STATEMENT OF PROBABLE CAUSE

A. Background

11. At all times relevant to this complaint, GREGORY was a resident of Washington, DC and a Special Police Officer in the Washington, DC area.

12. On May 29, 2020, Dave Patrick Underwood, a Federal Protective Service Officer, was shot and killed while on duty guarding the Ronald V. Dellums Federal Building in Oakland, California. Officer Underwood's murder was covered in the media across the country.

13. GoFundMe is a crowdfunding platform, headquartered in Redwood City, California, that allows users to raise money from the general public. GoFundMe uses a third-party payment processor to collect donations. Individuals make donations to a GoFundMe campaign on the campaign website via debit or credit card. The payment processor retains the donations until a portion of the donation is paid out to the campaign organizer. The payout occurs after the campaign organizer has passed the third-party payment processor screening process, and the funds have been transferred to the third-party payment processor. Payouts are automatically scheduled and are not initiated by the campaign organizer.

B. GREGORY creates GoFundMe Account and Initiates Several Crises Related Campaigns, including the “Patrick Underwood” Campaign

14. On or about April 23, 2020, GREGORY created a GoFundMe account using the email address “dominicgregory19@gmail.com.” A review of an open source database demonstrated that the IP address used to create the account was located in Hyattsville, Maryland. GREGORY used the user name “Dominic Jr.” to create the account, but later changed the user name to “Dr. Michael Jr.” GREGORY provided GoFundMe’s third-party payment processor with his full name, address, and a bank account in his name. Records provided from the bank demonstrate that GREGORY is the sole account holder.

15. Between approximately April 23, 2020 and May 30, 2020, GREGORY created four GoFundMe Campaigns linked to crisis situations using the “Dr. Michael Jr.” GoFundMe account. Two of the campaigns claimed connections to publicized deaths of individuals in Toronto and Washington, DC. One campaign claimed to be raising money for medical supplies related to the Coronavirus pandemic. The final campaign claimed to be seeking donations to rebuild a restaurant in Minneapolis, Minnesota, that was destroyed during riots. On or about May 31, 2020, the latter campaign was shut down by GoFundMe. GoFundMe’s records state that the campaign owner wrote of “no connection to restaurant and appears to be starting multiple crises related campaigns with no connection.”

16. On or about May 30, 2020, GREGORY created a GoFundMe campaign titled “Patrick Underwood.” The campaign purported to be raising money for Officer Underwood’s funeral. Based on records obtained from GoFundMe, GREGORY’s initial fundraising goal for the “Patrick Underwood” campaign was \$60,000. On May 31, 2020 at approximately 1004 hours, that goal was changed to \$90,000, and then at approximately 1656 hours, the goal was changed again to \$26,000.

C. GREGORY Has No Known Connection to the Underwood Family

17. On or about August 14, 2020, I spoke with a family member of Officer Underwood. She informed me that Officer Underwood was not married at the time of his death, and had never been married. She further informed me that Officer Underwood did not have any children, and GREGORY is not known to the family.

D. GREGORY Makes Multiple Material Misrepresentations Regarding His Relationship to the Underwood Family to Solicit Donations to the Campaign

18. According to records provided by GoFundMe, the campaign titled Patrick Underwood created by GREGORY was edited over a dozen times on or about May 31, 2020. The majority of the text in the description appears to be copied from an ABC 7 news (San Francisco, California) article¹ originally published on May 30, 2020 and edited the following day. In addition to copying text from the news article, GREGORY made the following edits to the campaign descriptions throughout the day on May 31, 2020:

At approximately 0056 hours: *“We are asking for help to raise money for our dear brother Funeral and his wife who is disable.”*

At approximately 1059 hours: *“We are asking for help to raise money for our dear brother Funeral and his wife who is wife and kids.”*

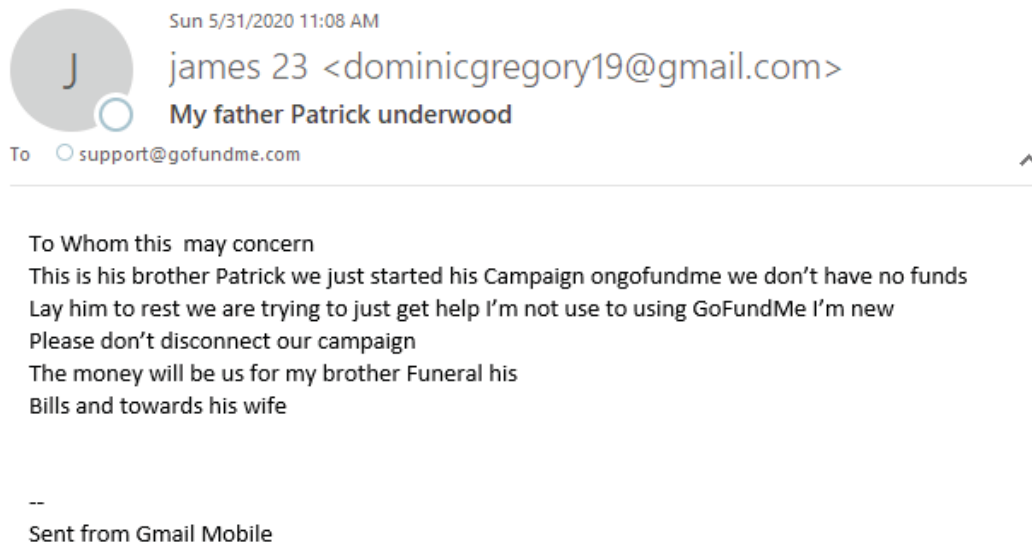
At approximately 1708 hours: *“We are asking for help to raise money for our dear brother Funeral and his wife. We thank you all”*

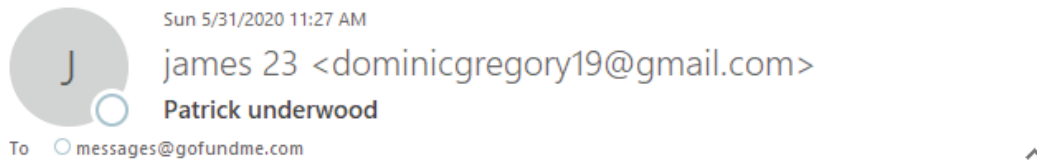
¹ Family identifies federal officer shot, killed in connection with George Floyd protest in Oakland: <https://abc7news.com/george-floyd-protest-oakland-federal-officer-killed-patrick-underwood-in/6221576/>

At approximately 1736 hours: *"We are asking for help to raise money for our dear brother Funeral and his wife. He was a great man who Didn't deserve that to happen to him And his partner we are gonna miss you so much Mr underwood We thank you all"*

At approximately 1740 hours: *"We are asking for help to raise money for our dear brother Funeral and his wife. He was a great man who Didn't deserve that to happen to him his partner. we are gonna miss you so much Mr underwood We thank you for your Service"*

19. On or about May 31, 2020, GREGORY sent the two below emails to GoFundMe representing that Officer Underwood was his brother and his father, and asking GoFundMe not to disconnect the "Patrick Underwood" campaign.





To whom it may concern

My father MR Dave Patrick underwood 53yr old old he was a federal employee he was shot and killed we are making this GoFundMe campaign
To help with my father Funeral the Medical bills
We are new to this gofundme account

Please don't disconnect how campaigns we are in Desperate need for help

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Sent from Gmail Mobile

20. On or about May 31, 2020, GREGORY received an email from a potential donor who said they would like to donate to the campaign, but they were skeptical because they saw multiple campaigns for Officer Underwood on GoFundMe. GREGORY responded by claiming to be located in Oakland, California, again referring to Officer Underwood as his father, and provided the link to the GoFundMe campaign titled "Patrick Underwood."

21. On or about May 31, 2020, the "Patrick Underwood" campaign started by GREGORY received approximately eleven donations from approximately eleven different individuals, totaling approximately \$470. The money was sent from each user's bank account or credit card to one of GoFundMe's third-party payment processors. On or about May 31, 2020, GREGORY sent thank you notes to each individual who donated to the campaign via GoFundMe.

22. On or about August 24, 2020, I spoke with one of the individuals who donated to the "Patrick Underwood" campaign, (hereafter Victim 1). Victim 1 resides in Santa Rosa, California and donated \$20 to the campaign on or about May 31, 2020. Victim 1 told me that he assumed the campaign organizer was someone in Officer Underwood's family or an attorney for

the family, and he would not have donated to the campaign if he knew that the organizer was not a family member or associated with the Underwood family.

E. GREGORY's Use of an Interstate Wire in Furtherance of His Scheme

23. On or about May 31, 2020, GREGORY caused Victim 1 to send \$20 by interstate wire communication. The wire transfer was initiated in the Northern District of California by Victim 1, and, based on my communications with GoFundMe's third-party payment processor, the payment was sent from Victim 1 to GoFundMe's third-party payment processor's server located in Florida.

F. GoFundMe is Notified of GREGORY's Fraud and Refunds the Donations

24. On or about, May 31, 2020, GREGORY cancelled his GoFundMe account. Based on my conversation with a GoFundMe employee, I understand that cancelling the GoFundMe account deactivated the "Patrick Underwood" campaign and prevented additional donations, but it did not remove the campaign from GoFundMe's website and it would not have prevented the money from being transferred from the third-party payment processor to GREGORY.

25. On or about June 2, 2020, the United States Secret Service notified GoFundMe that the Patrick Underwood campaign was fraudulent, and GoFundMe refunded all of the received donations to the victims. The donations had not yet been transferred from the third-party payment processor to GREGORY.

G. GREGORY Furthers His Scheme Even After the GoFundMe Campaign is Deactivated

26. On or about June 1, 2020, GREGORY received an email from a donor (Victim 2) who had donated to the campaign who wrote "Why was this fundraiser deactivated? What is the status of my donation?" GREGORY responded and stated "No it wasn't a lot o people made fake

gofundme about my brother so the money was going to a fake account and not to us it's sad If you would like to send a donation you can send it to our cashpp² to \$georgefyold2."

27. On or about June 2, 2020, GREGORY sent an email to a victim ("Victim 3") who had donated to the campaign stating "Due to people Making fake gofundme pages the funds was going to that fake account we decided to just give people there money back We have a cash app for His wife \$georgefyold2 Thank you again."

CONCLUSION

28. Based upon the above facts, as well as my training and experience, I believe that there is probable cause to believe that on or about May 31, 2020, GREGORY knowingly and voluntarily committed Wire Fraud, a violation of Title 18 U.S.C. § 1343. Accordingly, I respectfully request that a warrant for the arrest of GREGORY be issued. Due to the ongoing COVID-19 pandemic, I am also requesting a summons for GREGORY. The Secret Service and U.S. Attorney's Office will evaluate whether the summons is a practical alternative to arrest in this case.

REQUEST FOR SEALING

29. I further respectfully request that the Court order that all papers in support of this complaint, arrest warrant, and summons, be sealed. These documents discuss an ongoing criminal investigation that is neither public nor known to the target of the investigation. If the subject were to learn of this warrant, he might attempt to destroy evidence, or flee from prosecution.

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² Cash App is a mobile payment service that allows users to transfer money to one another using a mobile phone application.

Accordingly, I request that the Court issue an order that the complaint, arrest warrant, this affidavit in support of application for complaint and arrest warrant, and all attachments thereto be filed under seal.

Respectfully submitted,

/s/ Jennifer Pritchard

JENNIFER PRITCHARD
Special Agent
U.S. Department of Homeland Security
United States Secret Service

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this
26 day of September, 2020. This application and warrant are to be filed under seal.



HONORABLE DONNA RYU
United States Magistrate Judge